



Brian Benison
Director-
Federal Regulatory

AT&T Services Inc.
1120 20th Street, NW
Suite 1000
Washington, DC 20036

T: 202.457.3065
F: 202.457.3070

August 4, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

*Re: Amendment of Part 27 of the Commission's Rules to Govern the
Operation of Wireless Communications Services in the 2.3 GHz Band (WT
Docket No. 07-293) and Establishment of Rules and Policies for the
Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency
Band (IB Docket No. 95-91) –EX PARTE PRESENTATIONS*

Dear Ms. Dortch:

I am writing pursuant to Section 1.1206(b) of the Commission's Rules to notify the Commission that on August 3, 2010, Joan Marsh of AT&T sent the attached email message to Ruth Milkman and James Schlichting of the Wireless Telecommunications Bureau and Julius Knapp of the Office of Engineering and Technology concerning the petitions filed by AT&T on August 2, 2010 in this proceeding (which are also attached) and emphasizing the limited and targeted nature of the requests and the need for quick action by the Commission in order to avoid impacting service to consumers. Also on August 3, 2010, James Talbot and I of AT&T spoke by telephone with Richard Arsenault of the Wireless Telecommunications Bureau and stressed the same points concerning these petitions.

Pursuant to Sections 1.1206(b) and 1.49(f) of the Commission's Rules, this letter is being filed electronically with the Commission via the Electronic Comment Filing System.

Should you have any questions, please contact the undersigned.

Respectfully submitted,

/s/ Brian Benison

Attachments.

cc: Richard Arsenault
Julius Knapp
Ruth Milkman
James Schlichting

BENISON, BRIAN (ATTSI)

From: MARSH, JOAN (ATTSI)
Sent: Tuesday, August 03, 2010 10:51 AM
To: Ruth Milkman; jim.schlichting@fcc.gov; Julius Knapp
Cc: BENISON, BRIAN (ATTSI); TALBOT, JAMES (Legal)
Subject: FW: AT&T Petitions filed in WT Docket 07-293; IB Docket 95-91 and GEN Docket 90-357

Ruth/Jim/Julie,

I wanted to make you aware of two petitions AT&T filed yesterday on the new WCS rules. I draw these to your immediate attention because we are seeking narrowly tailored relief that is necessary to ensure that we can continue to provide broadband service to certain customers we serve using our WCS licenses. If we cannot obtain the requested relief, service disruptions are likely.

First, we are seeking a narrow waiver of the external antenna restrictions to allow for continuation of existing usage pending Commission action on a petition for recon we plan to file on this issue. Currently AT&T is using WCS spectrum to provide fixed broadband services to residential customers in Alaska, approximately 100 of whom use fixed CPE outdoor antennas. In addition, there are approximately 16 other sites where broadband service involves the use of outdoor antennas. The new rules restrict use of outdoor antennas effective Sept. 1 and thus will require us to cease service to these customers absent the relief requested in the Petition.

Second, we are seeking a very limited extension of time to implement the new WCS fixed CPE duty cycle requirements at existing and planned sites. We estimate that it will take us until Nov. 30, 2010 to implement the new CPE TDD duty cycle at certain sites. The requested relief will allow us to continue to use WCS spectrum to serve customers at approximately 1500 sites for the period necessary to reach compliance with the new rules. Absent the request relief, AT&T may have to cease the provision of broadband services at these 1500 customer sites.

Copies of these petitions have been sent to Richard Arsenault and Roger Noel and we will be seeking a meeting with their teams ASAP to discuss the Petitions in more detail. But because there is the possibility of service disruptions, I wanted to make sure you were aware of these filings.

Let me know if you have any questions,
Thanks, Joan

From: HILL, LACRETIA (Legal)
Sent: Monday, August 02, 2010 6:12 PM
To: Richard.Arsenault@fcc.gov; Roger.Noel@fcc.gov
Subject: AT&T Petitions filed in WT Docket 07-293; IB Docket 95-91 and GEN Docket 90-357

Good afternoon,

Attached are two petitions filed by AT&T in the above referenced dockets on August 2, 2010. If you have any questions, please contact Jim Talbot at 202-457-3048.



ATT Duty Cycle
Extension Petit...



ATT WCS Antenna
Waiver Petitio...

Lacretia Hill for James Talbot
AT&T Services
1120 20th Street NW
Washington, DC 20036

202-457-3050 phone
202-457-3073 fax

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 27 of the Commission's Rules)	WT Docket No. 07-293
To Govern the Operation of Wireless)	
Communications Services in the 2.3 GHz Band)	
)	
Establishment of Rules and Policies for the)	IB Docket No. 95-91
Digital Audio Radio Satellite Service in the)	GEN Docket No. 90-357
2310-2360 MHz Frequency Band)	RM-8610

**PETITION OF AT&T FOR EXTENSION OF TIME TO IMPLEMENT THE
NEW WCS FIXED CPE DUTY CYCLE AT EXISTING AND PLANNED
CUSTOMER SITES AND REQUEST FOR EXPEDITED TREATMENT**

AT&T Inc., on behalf of its Wireless Communications Service ("WCS") license subsidiaries, AWACS, Inc. and BellSouth Mobile Data, Inc., (collectively with its subsidiaries, "AT&T") hereby submits this petition to request an extension of time until November 30, 2010 to implement the fixed customer premises equipment (CPE) TDD duty cycle requirement of amended Rule 27.50(a)(2) at existing customer sites and two additional sites planned for August 2010. This requested extension will allow AT&T to continue using WCS spectrum to serve customers during the period AT&T will require to modify the WCS CPE installed at approximately 1500 customer sites to comply with the new duty cycle requirement. Because AT&T will be required to cease the use of noncompliant WCS CPE on September 1, 2010, AT&T will be unable to continue providing WCS services to these customers from that date, if the Commission does not grant this requested extension by that time. AT&T therefore requests expedited treatment of this petition.

The Commission's Report and Order in the above-referenced proceeding released on May 20, 2010, as modified by Errata released on June 2, 2010 and July 14, 2010, amend Section

27.50 of the Commission's rules by revising paragraph (a) to add new subsection (a)(2) setting forth new requirements for fixed CPE stations transmitting in the 2305-2320 or 2345-2360 MHz bands.¹ These new requirements include the new limitation that the duty cycle for fixed CPE using TDD technology must not exceed 38 percent. The prior rules governing this spectrum place no restriction on the duty cycle for WCS CPE. The new rule applies to both existing and new CPE and will become effective 30 days after the date of publication in the Federal Register, which occurred on August 2, 2010.² Thus, to comply with the new rule, all existing WCS CPE must be modified to operate on a duty cycle not exceeding 38 percent no later than September 1, 2010.

AT&T is currently using WCS spectrum in many of its license areas to serve customers requiring point-to-point connections to the Internet from 802.11(b) and (g) Wi-Fi access points at locations where rapid deployment and minimizing disruptions to existing infrastructure are required. However, AT&T will be unable to complete the work necessary to bring its WCS CPE into compliance with this new duty cycle requirement by September 1, 2010. The new duty cycle restriction requires the development of new firmware by AT&T's equipment vendor followed by internal testing and deployment to approximately 1500 existing customer sites. AT&T estimates that this work will take until November 30, 2010. To avoid disrupting services to these existing customers during this period, AT&T asks the Commission to extend the

¹ Report and Order and Second Report and Order, FCC 10-82, WT Dkt. No. 07-293, rel. May 20, 2010 ("WCS Order"), App. B (Rule Revisions); Erratum, WT Dkt. No. 07-293, rel. Jun. 8, 2010; Second Erratum, WT Dkt. No. 07-293, rel. Jul. 14, 2010.

² *WCS Order*, ¶ 319; 75 Fed. Reg. 45058 (2010).

effective date for implementation of the new duty cycle requirement at its existing and planned customer sites until this anticipated completion date.³

If the Commission does not grant this requested extension by September 1, 2010, AT&T will be required to cease the use of this CPE at that time, which will deprive these customers of WCS services for no compelling reason. AT&T therefore respectfully requests expedited treatment of this request.

This limited extension of the effective date will further the public interest by allowing the continuation of WCS services to customers during the period necessary to implement the required modifications.⁴ Additionally, the resulting brief additional period of operation of AT&T's fixed WCS CPE outside the new duty cycle requirement is unlikely to result in interference to SDARS operations. The Report and Order notes that "SDARS licensees have not reported any instances of interference" from authorized WCS fixed CPE devices.⁵ In fact, "the SDARS licensees note that current fixed WCS deployments pose no or little interference

³ AT&T also has WCS deployments scheduled at two additional customer sites during August 2010.

⁴ See, e.g., *ART Licensing Corp.*, 23 FCC Rcd. 14116 (2008) (noting the public interest in the avoidance of service disruptions to customers).

concerns to SDARS operations.”⁶ Therefore, there is good cause for the Commission to grant this requested extension of the implementation date for this new requirement at AT&T’s customer sites.⁷

Respectfully submitted,

By: /s/ James J. R. Talbot

James J. R. Talbot
Gary L. Phillips
Paul K. Mancini

Attorneys for
AT&T Inc.
1120 20th Street, NW
Washington, D.C. 20036
(202) 457-3048 (phone)
(202) 457-3073 (fax)

Dated: August 2, 2010

(Footnote continued from previous page)

⁵ *WCS Order*, ¶ 141.

⁶ *Id.* ¶ 143.

⁷ *See* 47 C.F.R. Sect. 1.3; *Wait Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).



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90-357	AMENDMENT OF THE RULES WITH REGARD TO THE ESTABLISHMENT AND REGULATION OF NEW DIGITAL AUDIO RADIO SERVICES

Contact Info

Name of Filer:	AT&T Inc.
Attorney/Author Address Name:	James J.R. Talbot
Address For:	Filer
Address Line 1:	1120 20th Street NW
Address Line 2:	Suite 1000
City:	Washington
State:	DISTRICT OF COLUMBIA
Zip:	20036
Details Type of Filing:	PETITION

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File Name	Custom Description	Size
ATT Duty Cycle Extension Petition final 2 080210.pdf		22 KB

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**Before the
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To Govern the Operation of Wireless)	
Communications Services in the 2.3 GHz Band)	
)	
Establishment of Rules and Policies for the)	IB Docket No. 95-91
Digital Audio Radio Satellite Service in the)	GEN Docket No. 90-357
2310-2360 MHZ Frequency Band)	RM-8610

**PETITION OF AT&T FOR WAIVER OF WCS EXTERNAL ANTENNA
RESTRICTION TO ALLOW CONTINUATION OF EXISTING USAGE
PENDING COMMISSION ACTION ON PETITION FOR RECONSIDERATION
AND REQUEST FOR EXPEDITED TREATMENT**

AT&T Inc., on behalf of its Wireless Communications Service ("WCS") license subsidiaries, AWACS, Inc. and BellSouth Mobile Data, Inc., (collectively with its subsidiaries, "AT&T") hereby submits this petition to request a waiver of the new prohibition in amended Rule 27.50(a)(2) on the use of outdoor antennas for WCS fixed customer premises equipment (CPE) stations at existing customer sites in order to permit approximately 116 customers using such antennas to continue receiving WCS services while the Commission considers the petition for reconsideration that AT&T will file in this proceeding. Because WCS services may no longer be provided over fixed CPE outdoor antennas from September 1, 2010, AT&T will be unable to continue providing WCS services to these customers from that date, unless the Commission grants this requested waiver by that time. AT&T therefore requests expedited treatment of this petition.

The Commission's Report and Order in the above-referenced proceeding released on May 20, 2010, as modified by Errata released on June 2, 2010 and July 14, 2010, amends

Section 27.50 of the Commission's rules by revising paragraph (a) to add new subsection (a)(2) setting forth new requirements for fixed CPE stations transmitting in the 2305-2320 or 2345-2360 MHz bands.¹ These new requirements include a new prohibition on the use of outdoor antennas for CPE stations or outdoor CPE station installations. The prior rules governing this spectrum place no restriction on the use of outdoor antennas for fixed CPE other than emission and power limits. The new rule will become effective 30 days after the date of publication in the Federal Register, which occurred on August 2, 2010.² Thus, to comply with the new rule, WCS services may no longer use outdoor antennas for fixed CPE stations or outdoor CPE station installations from September 1, 2010.

AT&T is currently using WCS spectrum in many of its license areas to serve customers requiring point-to-point connections to the Internet from 802.11(b) and (g) Wi-Fi access points at locations where rapid deployment and minimizing disruptions to existing infrastructure are required. At approximately sixteen customer sites, these services involve the use of outdoor antennas for CPE stations or outdoor CPE station installations. Additionally, AT&T is using WCS spectrum to provide fixed wireless broadband services to residential customers in Alaska, approximately 100 of whom use fixed CPE outdoor antennas to receive these services.

AT&T intends to file a petition for reconsideration in this proceeding that will ask the Commission to modify the new prohibition on the use of outdoor antennas for fixed CPE stations or outdoor CPE station installations and allow their use provided they comply with the current OOB antenna requirements. As the Commission has noted, those OOB limitations have not

¹ Report and Order and Second Report and Order, FCC 10-82, WT Dkt. No. 07-293, rel. May 20, 2010 ("WCS Order"), App. B (Rule Revisions); Erratum, WT Dkt. No. 07-293, rel. Jun. 8, 2010; Second Erratum, WT Dkt. No. 07-293, rel. Jul. 14, 2010.

² *WCS Order*, ¶ 319; 75 Fed. Reg. 45058 (2010)

caused any material interference to SDARS operations. AT&T will also ask the Commission to allow, at a minimum, such usage to continue at the small number of customer sites where fixed CPE external antennas are currently installed. To avoid disrupting WCS services to these customers pending Commission action on AT&T's forthcoming petition for reconsideration, AT&T asks the Commission to waive the new prohibition to allow this limited usage of fixed CPE external antennas to continue pending such Commission action, provided there is continued compliance with prior emissions and power limits.

If the Commission does not grant this requested waiver by September 1, 2010, AT&T's WCS services may no longer use fixed CPE outdoor antennas from that time, which will mean that AT&T will be unable to provide WCS services to these customers from that date. AT&T therefore respectfully requests expedited treatment of this petition.

This requested waiver will further the public interest by allowing the continuation of WCS services to these customers while the Commission considers AT&T's forthcoming petition for reconsideration.³ Additionally, this limited continued usage of fixed CPE external antennas is unlikely to result in interference to SDARS operations. The Report and Order notes that "SDARS licensees have not reported any instances of interference" from authorized WCS fixed CPE devices.⁴ In fact, "the SDARS licensees note that current fixed WCS deployments pose no or little interference concerns to SDARS operations."⁵ Therefore, there is good cause for the

³ See, e.g., *ART Licensing Corp.*, 23 FCC Rcd. 14116 (2008) (noting the public interest in the avoidance of service disruptions to customers).

⁴ *WCS Order*, ¶ 141.

⁵ *Id.* ¶ 143.

Commission to grant this requested waiver to allow the existing usage of fixed CPE external antennas by AT&T's WCS customers to continue pending Commission action on AT&T's petition.⁶

Respectfully submitted,

By: /s/ James J. R. Talbot

James J. R. Talbot
Gary L. Phillips
Paul K. Mancini

Attorneys for
AT&T Inc.
1120 20th Street, NW
Washington, D.C. 20036
(202) 457-3048 (phone)
(202) 457-3073 (fax)

Dated: August 2, 2010

⁶ See 47 C.F.R. Sect. 1.3; *Wait Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).



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Contact Info

Name	AT&T Inc.
of	
Filer:	
Email	lh8695@att.com
Address:	
Attorney/	James J.R. Talbot
Author	
Address	
Name:	
Address	Filer
For:	
Address	1120 20th Street NW
Line 1:	
Address	Suite 1000
Line 2:	
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